

**WHITELAND REDEVELOPMENT COMMISSION**

**RESOLUTION 2022-03**

**RESOLUTION OF THE WHITELAND REDEVELOPMENT COMMISSION  
MODIFYING AND CONFIRMING THE DECLARATORY RESOLUTION OF THE  
WHITELAND REDEVELOPMENT COMMISSION ADOPTED ON JUNE 9, 2022  
REMOVING PROPERTY FROM THE WHITELAND ECONOMIC DEVELOPMENT  
AREA AND THE WHITELAND ADVANCEMENT ALLOCATION AREA AND  
ESTABLISHING THE PATCH ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Town of Whiteland (“Town”) Redevelopment Commission (“Commission”), on June 9, 2022, adopted a declaratory resolution (Resolution No. 2022-01) entitled “Declaratory Resolution A Resolution Amending Declaratory Resolution 2013-01 to Remove the Horsley Property From the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, and Declaring the Designation of the Patch Economic Development Area and Establishing the Patch Allocation Area”, attached hereto as Exhibit A, (the “Declaratory Resolution”), establishing the Patch Economic Development (the “Area”) as an economic development area under Ind. Code 36-7-14 and Ind. Code 36-7-25 (collectively, the “Act”); and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan presented at the June 9, 2022 meeting of the Commission (the “Plan”), which Plan contained specific recommendations for redevelopment and economic development of the Area, including the development and construction of a new Town public safety building and a new Town park facility within the Area, and other local public improvements, all in, serving or benefitting the Area, as further described in the Plan (the “Projects”); and

WHEREAS, the Declaratory Resolution recognized that the Commission proposes to acquire an as yet undetermined part of the real property within the boundaries of the Area to be used for public safety and parks and recreation purposes as stated in the Plan, through a voluntary agreement between the Commission or the Town and the developer of the Area; and

WHEREAS, the Declaratory Resolution established an allocation area consisting of the entire Area (the “Patch Allocation Area”) in accordance with Ind. Code 36-7-14-39; and

WHEREAS, the Declaratory Resolution removed certain property from the Whiteland Economic Development Area and the Whiteland Allocation Area; and

WHEREAS, the Commission has determined that the Area should instead be divided into two allocation areas, as depicted and described on Exhibit B, attached and incorporated herein, to be referred to as the “Phase I Patch Allocation Area” and the “Phase II Patch Allocation Area” (together, the “Patch Allocation Areas”);

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the Whiteland Plan Commission (the “Plan Commission”) and the Plan Commission issued its written order on June 21, 2022 approving the Declaratory Resolution and the Plan as submitted; and

WHEREAS, on August 9, 2022, the Town Council of the Town approved the order of the Plan Commission and the Declaratory Resolution and the establishment of the Area as an economic development area pursuant to the Act; and

WHEREAS, the Commission has found that there will be no residents of the Area who will be displaced by the Projects; and

WHEREAS, the Commission published notice of the adoption and substance of the Declaratory Resolution in the *Daily Journal of Johnson County* in accordance with Ind. Code 36-7-14-17 and Ind. Code 5-3-1 on September 30, 2022, which notice also gave notice of a hearing on the proposed Projects to be held by the Commission (the “Notice”); and

WHEREAS, the Notice has been filed in the office of the Plan Commission, the Board of Zoning Appeals, the Public Works Board, the Park Board, the Building Commissioner and any other departments, bodies or officers having to do with Town planning, variances from zoning ordinances, land use or the issuance of building permits, and has also been posted at the Town Hall; and

WHEREAS, copies of the Notice have been filed on or before October 3, 2022, with the officer authorized to fix budgets, tax rates and tax levies under Ind. Code 6-1-1-17-5 for each taxing unit that is either wholly or partly located within the proposed Patch Allocation Area, together with a statement disclosing the impact of the Patch Allocation Area, including (i) the estimated economic benefits and costs incurred by the Patch Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values and (ii) the anticipated impact on tax revenues of each taxing unity; and

WHEREAS, on October 13, 2022, the Commission conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed.

NOW THEREFORE, BE IT RESOLVED BY THE WHITELAND REDEVELOPMENT COMMISSION THAT:

Section 1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the establishment of the Area and the Projects in, serving or benefiting the Patch Allocation Areas.

Section 2. The Declaratory Resolution is hereby modified to amend the Patch Allocation Area created pursuant to the Declaratory Resolution to be divided into two separate allocation areas to be known as the “Phase I Patch Allocation Area” and the “Phase II Patch Allocation Area”, which are further depicted and described on Exhibit B attached hereto and incorporated herein by reference. All references to the Patch Allocation Area within the Declaratory Resolution and Plan are hereby modified to instead refer to the above referenced Patch Allocation Areas.

Section 3. Sections 11 and 12 of the Declaratory Resolution are hereby modified to read as follows:

Section 11. This paragraph shall be considered the allocation provision for the purposes of IC 36-7-14-39. The “Phase I Patch Allocation Area” and the “Phase II Patch Allocation Area” shall constitute allocation areas as defined in IC 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation areas shall be allocated and distributed in accordance with IC 36-7-14-39. The allocation provision for the “Phase I Patch Allocation Area” shall expire no later than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the “Phase I Patch Allocation Area”, unless terminated at an earlier date by the Commission. The allocation provision for the “Phase II Patch Allocation Area” shall expire no later than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues from the “Phase II Patch Allocation Area”, unless terminated at an earlier date by the Commission.

Section 12. The Commission hereby finds that the adoption of the above allocation provision for the Patch Allocation Areas will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision, and supporting evidence for such finding is provided within the Factual Findings portion of the Plan.

Section 4. The Declaratory Resolution, the Plan, and the amendments to the Whiteland Economic Development Area and the Whiteland Advancement Allocation Area, attached hereto as Exhibit A and incorporated herein by reference, approved by the Commission on June 9, 2022, as modified by Sections 2 and 3 above, are hereby confirmed in all respects.

Section 5. The Secretary of the Commission is hereby directed to record this resolution with the Johnson County Recorder, immediately notify the Department of Local Government Finance of the designation of the Phase I Patch Allocation Area and the Phase II Patch Allocation Area within the Area, and to file this resolution with the Johnson County Auditor.

Section 6. This resolution shall be effective as of the date of its adoption.

Adopted: October 13, 2022

WHITELAND REDEVELOPMENT COMMISSION



David Hawkins, President

ATTEST:



Katy Cavaleri, Secretary

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Stephen K. Watson.

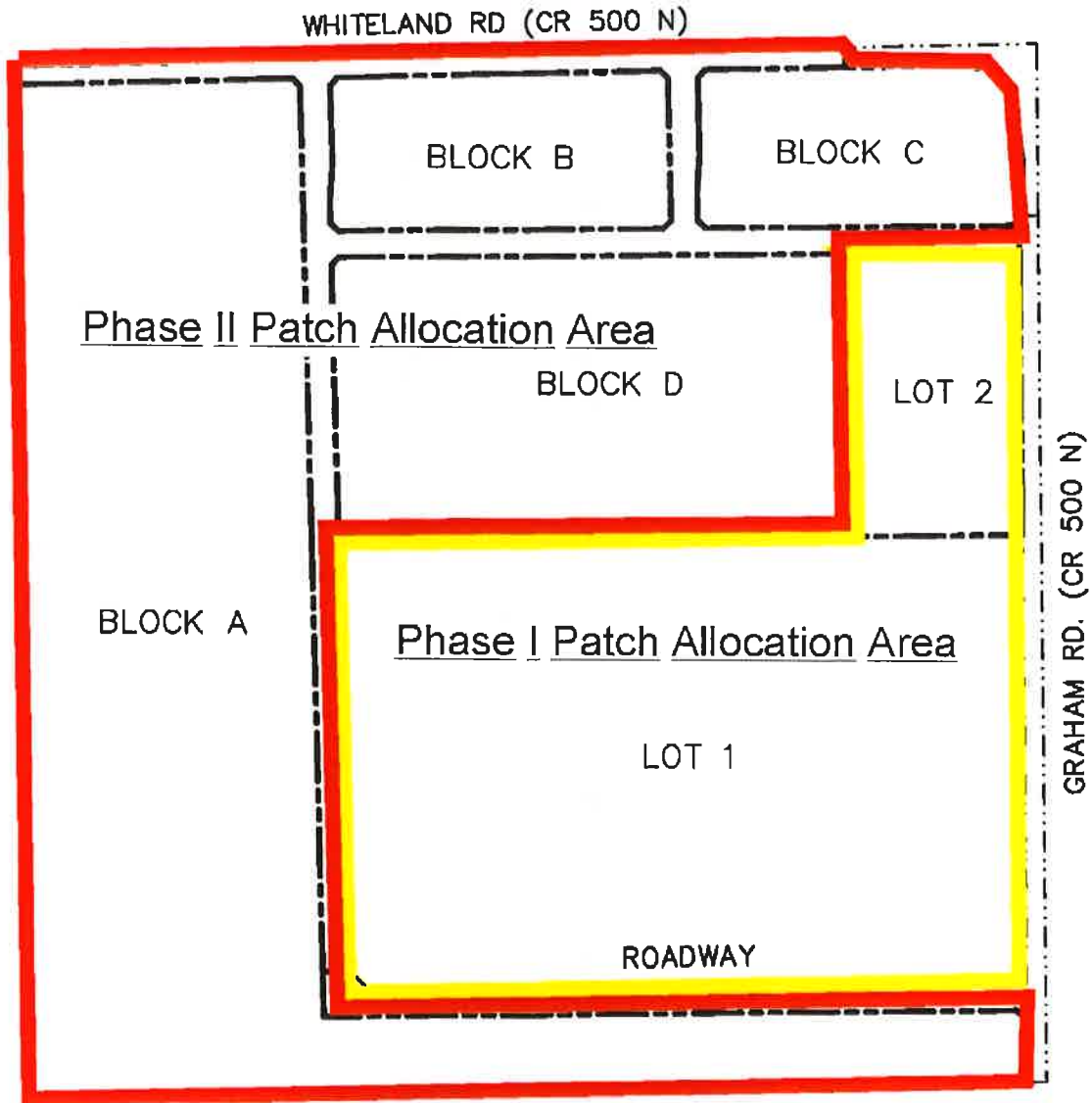
This instrument prepared by Stephen K. Watson, Williams Barrett & Wilkowski, LLP, 600 N. Emerson Avenue, Greenwood, Indiana 46143.

**Exhibit A**

[See RDC Resolution No. 2022-01 attached on the following pages.]

Exhibit B

Depiction of the "Phase I Patch Allocation Area" and the "Phase II Patch Allocation Area"



**Description of the "Phase I Patch Allocation Area"**

Lot 1 (approximately 47.556 acres) & Lot 2 (approximately 7.191 acres) of the Commercial PUD known as Gateway At Whiteland, located in the Town of Whiteland, Johnson County, Indiana, as such lots are described in the finally recorded plats of the property commonly known as the Horsley Property, which Horsley Property is legally described as follows (the "Horsley Property"):

The East Half of the Northeast Quarter of Section 27 and part of the West Half of the Northwest Quarter of Section 26 of Township 13 North, Range 4 East, located in Johnson County Indiana, more particularly described as follows:

Beginning at the northwest corner of said Section 26, being marked by a railroad spike; thence North 88 degrees 35 minutes 47 seconds East (bearings based on the Indiana Geospatial System "Johnson County" Zone per NAD83 Datum) along the north line of the Northwest Quarter of said Section 847.98 feet to the northwest corner of a land tract conveyed to the Town of Whiteland by Warranty Deed recorded as Instrument number 2014-021904 in the Office of the Johnson County Recorder (the following nine courses being along the southern lines of said land tract);

- 1) thence South 01 degrees 24 minutes 13 seconds East 40.01 feet;
- 2) thence North 88 degrees 35 minutes 47 seconds East 120.01 feet;
- 3) thence South 87 degrees 56 minutes 07 seconds East 165.30 feet;
- 4) hence South 85 degrees 23 minutes 40 seconds East 95.52 feet;
- 5) thence South 46 degrees 14 minutes 56 seconds East 55.16 feet;
- 6) thence South 17 degrees 09 minutes 30 seconds East 88.60 feet;
- 7) thence South 08 degrees 12 minutes 01 seconds East 115.97 feet;
- 8) thence South 00 degrees 46 minutes 07 seconds East 150.00 feet;
- 9) thence North 89 degrees 13 minutes 53 seconds East 40.00 feet to the east line of the said West Half of the Northwest Quarter of Section 26;

thence South 00 degrees 46 minutes 07 seconds East along said east line 2257.39 feet to the southeast corner of said West Half of said Northwest Quarter; thence South 88 degrees 49 minutes 46 seconds West along the south line of said West Half of said Northwest Quarter 1333.29 feet to the southeast corner of the Northeast Quarter of said Section 27, being marked by a stone; thence South 88 degrees 27 minutes 36 seconds West along the south line of the East Half of said Northeast Quarter 1319.10 feet to the southwest corner thereof, being marked by a #5 rebar; thence North 01 degrees 03 minutes 23 seconds West along the west line of said East Half of said Northeast Quarter 2699.02 feet to the northwest corner thereof; thence North 88 degrees 20 minutes 12 seconds East along the north line of said East Half of said Northeast Quarter 1318.06 feet to the Point of Beginning.

Containing 163.926 acres, more or less.

**Description of the “Phase II Patch Allocation Area”**

That portion of the previously described Horsley Property excluding Lot 1 (approximately 47.556 acres) & Lot 2 (approximately 7.191 acres) of the Commercial PUD known as Gateway At Whiteland, located in the Town of Whiteland, Johnson County, Indiana, as such lots are described in the finally recorded plats of the Horsley Property.